

### **Remarks**

Claims 1 and 3 are pending in the present application. Claims 1 and 3 stand rejected. Claim 1 has been amended.

#### **I. Rejection of Claims 1 and 3 under 35 U.S.C. § 102(e)**

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Arai et al. (US 6,169,710). Applicant respectfully traverses this rejection.

Claims 1 has now been amended contain the requirement that the data overwrite logic attempts to overwrite the same data sectors or track which originally stored said read data. This advantage allows for reduced head travel as opposed to a reassign process that may move data to different tracks and cause possible delays in reading.

In light of the amendment to claim 1, Arai no longer discloses the invention substantially as claimed, and should not be rejected under 35 U.S.C. § 102(e).

Regarding dependent claim 3, Arai does not teach that the data overwrite logic attempts to overwrite the same data sectors or track which originally stored said read data as described above. Thus amended claim 1 renders the rejection of dependent claim 3 under 35 U.S.C. § 102(e) moot.

Applicant respectfully submits that the proposed amendment to claim 1 makes a 35 U.S.C. §102(e) rejection regarding claims 1 and 3 moot and thus respectfully request the withdrawal of the rejection under 35 U.S.C. § 102(e).

## **II. Rejection of Claims 1 and 3 Under 35 U.S.C. § 103(a)**

Claims 1 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai et al. in view of Kulakowski (US 5,233,584). Applicant respectfully traverses this rejection.

Independent claim 1 (and thus dependent claim 3) have now been amended contain the requirement that the data overwrite logic attempts to overwrite the same data sectors or track which originally stored said read data.

Nowhere in Arai et al. or Kulakowski is this feature discussed. As mentioned above, rewriting to the same sector or track will reduce excessive head travel as opposed to a reassign process that may move data to different tracks and cause possible delays in reading.

In light of the amendments to independent claim 1 neither Arai et al. nor Kulakowski nor any combination of the two, discloses the invention substantially as claimed in claims 1 and 3, and should not be rejected under 35 U.S.C. § 103(a).

Applicants respectfully submit that any combination involving Arai et al. and Kulakowski is improper, and thus respectfully request the withdrawal of the obviousness rejection regarding claims 1 and 3 under 35 U.S.C. § 103(a).

### **Conclusion**


Applicant respectfully submits that all claims are in proper form and condition for patentability, and request a notification of allowance to that effect. The Examiner is hereby respectfully invited to contact the undersigned agent with any questions, comments or suggestions relating to this application.

Respectfully submitted,

Kibashi et al.

Date: 7/12/05

By:



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